UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

OCT - 3 2017

Mr. John Michels
Running Foxes Petroleum, Inc.
1690 155th St
Fort Scott, Kansas 66701

RE: SPCC Inspection
Running Foxes Petroleum Inc. – Emmerson Lease
South 100 Rd at Soldier Rd
Richards, Missouri 64778

Dear Mr. Michels:

On July 28, 2017, a representative of the U.S. Environmental Protection Agency inspected Running Foxes Petroleum's North Stoner Lease located at South 100 Rd at Soldier Rd, 3.4 miles northwest of Richards, Missouri. The inspection was done under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the Spill Prevention Control and Countermeasures Field Inspection and Plan Review Checklist Form is enclosed for your information, and a comprehensive list of comments can be located in Attachment E.

The EPA is presently reviewing the findings of the report to determine your facility's compliance with the applicable statutes and regulations. If it is determined that violations exist, the EPA reserves all rights it may have to take appropriate enforcement action.

If there are any questions regarding this report or actions that you may want to take, please contact me at (913) 551-7928.

Sincerely,

Eduardo A. Ortiz
Environmental Engineer
Chemical and Oil Release Prevention Branch
Air and Waste Management Division

Enclosure

U.S. ENVIRONMENTAL PROTECTION AGENCY
SPCC FIELD INSPECTION AND PLAN REVIEW CHECKLIST

Running Foxes Petroleum Inc. – Emmerson Lease, Vernon County, MO

Overview of the Checklist

This checklist is designed to assist EPA inspectors in conducting a thorough and nationally consistent inspection of a facility's compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR part 112. It is a required tool to help federal inspectors (or their contractors) record observations for the site inspection and review of the SPCC Plan. While the checklist is meant to be comprehensive, the inspector should always refer to the SPCC rule in its entirety, the SPCC Regional Inspector Guidance Document, and other relevant guidance for evaluating compliance. This checklist must be completed in order for an inspection to count toward an agency measure (i.e., OEM inspection measures or GPRA). The completed checklist and supporting documentation (i.e. photo logs or additional notes) serve as the inspection report.

This checklist addresses requirements for onshore oil drilling, production and workover facilities (including Tier II Qualified Facilities that meet the eligibility criteria set forth in §112.3(g)(2)). Qualified facilities must meet the rule requirements in §112.6 and other applicable sections specified in §112.6, except for deviations that provide environmental equivalence and secondary containment impracticability determinations as allowed under §112.6.

The checklist is organized according to the SPCC rule. Each item in the checklist identifies the relevant section and paragraph in 40 CFR part 112 where that requirement is stated.

- Sections 112.1 through 112.5 specify the applicability of the rule and requirements for the preparation, implementation, and amendment of SPCC Plans. For these sections, the checklist includes data fields to be completed, as well as several questions with "yes," "no" "NA" answers.
- Section 112.6 includes requirements for qualified facilities. These provisions are addressed in Attachment D.
- Section 112.7 includes general requirements that apply to all facilities (unless otherwise excluded).
- Section 112.9 specifies spill prevention, control, and countermeasures requirements for onshore oil drilling, production and workover facilities
- Section 112.10 specifies spill prevention, control, and countermeasures requirements for onshore oil drilling, production, and workover facilities.

The inspector needs to evaluate whether the requirement is addressed adequately or inadequately in the SPCC Plan and whether it is implemented adequately in the field (either by field observation or record review). For the SPCC Plan and implementation in the field, if a requirement is addressed adequately, mark the "Yes" box in the appropriate column. If a requirement is not addressed adequately, mark the "No" box. If a requirement does not apply to the particular facility or the question asked is not appropriate for the facility, mark as "NA". Discrepancies or descriptions of inspector interpretation of "No" vs. "NA" may be documented in the comments box subsequent to each section. If a provision of the rule applies only to the SPCC Plan, the "Field" column is shaded.

Space is provided throughout the checklist to record comments. Additional space is available as Attachment E at the end of the checklist. Comments should remain factual and support the evaluation of compliance.

Attachments

- Attachment A is for recording information about containers and other locations at the facility that require secondary containment.
- Attachment B is a checklist for documentation of the tests and inspections the facility operator is required to keep with the SPCC Plan.
- Attachment C is a checklist for oil spill contingency plans following 40 CFR 109. Unless a facility has submitted a Facility Response Plan (FRP) under 40 CFR 112.20, a contingency plan following 40 CFR 109 is required if a facility determines that secondary containment is impracticable as provided in 40 CFR 112.7(d). The same requirement for an oil spill contingency plan applies to the owner or operator of a facility with qualified oil-filled operational equipment that chooses to implement alternative requirements instead of general secondary containment requirements as provided in 40 CFR 112.7(k).
- Attachment D is a checklist for Tier II Qualified Facilities.
- Attachment E is for recording additional comments or notes.
- Attachment F is for recording information about photos.

FACILITY INFORMATION

FACILITY NAME: Running Foxes Petroleum Inc. – Emmerson Lease

LATITUDE: 37.935837°	LONGITUDE: -94.614573°	GPS DATUM: WGS84
Section/Township/Range: SW1/4, S6, T36N, R33W	FRS#/OIL DATABASE ID:	ICIS#:

ADDRESS: South 100 Rd at Soldier Rd, 3.4 miles northwest of Richards, MO

CITY: Richards	STATE: MO	ZIP: 64778	COUNTY: Vernon

MAILING ADDRESS (IF DIFFERENT FROM FACILITY ADDRESS – IF NOT, PRINT "SAME"): 1690 155th St.

CITY: Fort Scott	STATE: KS	ZIP: 66701	COUNTY:

TELEPHONE: (620) 305-8256	FACILITY CONTACT NAME/TITLE: John Michels, Field Supervisor

OWNER NAME: Running Foxes Petroleum, Inc.

OWNER ADDRESS: 4B Inverness Court East, Suite 120

CITY: Englewood	STATE: CO	ZIP: 80112	COUNTY:

TELEPHONE: 303-617-7242	FAX:	EMAIL:

FACILITY OPERATOR NAME (IF DIFFERENT FROM OWNER – IF NOT, PRINT "SAME"): same

OPERATOR ADDRESS:

CITY:	STATE:	ZIP:	COUNTY:

TELEPHONE:	OPERATOR CONTACT NAME/TITLE: same

FACILITY TYPE: Oil production lease	NAICS CODE:
HOURS PER DAY FACILITY ATTENDED: 1	TOTAL FACILITY CAPACITY: 42,420 gallons

TYPE(S) OF OIL STORED: Crude oil; oil-water mix; salt water

LOCATED IN INDIAN COUNTRY? ☐ YES ☑ NO RESERVATION NAME:

INSPECTION/PLAN REVIEW INFORMATION

PLAN REVIEW DATE: 8/8/2017	REVIEWER NAME: Jeff Pritchard	
INSPECTION DATE: 7/28/2017	TIME: 9:30 AM	ACTIVITY ID NO:

LEAD INSPECTOR: Jeff Pritchard

OTHER INSPECTOR(S): Melinda Luetke

INSPECTOR ACKNOWLEDGMENT

I performed an SPCC inspection at the facility specified above.

INSPECTOR SIGNATURE: 	DATE: 8-15-17
SUPERVISOR REVIEW/SIGNATURE: 	DATE: 8/21/17

SPCC GENERAL APPLICABILITY—40 CFR 112.1

IS THE FACILITY REGULATED UNDER 40 CFR part 112?

The completely buried oil storage capacity is over 42,000 U.S. gallons, **OR** the aggregate aboveground oil storage capacity is over 1,320 U.S. gallons **AND** — ☑ Yes ☐ No

The facility is a non-transportation-related facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location could reasonably be expected to discharge oil into or upon the navigable waters of the United States — ☑ Yes ☐ No

AFFECTED WATERWAY(S): Unnamed tributary to Shiloh Creek	DISTANCE: <100 feet to tributary; 2.5 miles to Shiloh Creek

FLOW PATH TO WATERWAY: surface drainage to unnamed tributary to Shiloh Creek

Note: The following storage capacity is not considered in determining applicability of SPCC requirements:

- *Equipment subject to the authority of the U.S. Department of Transportation, U.S. Department of the Interior, or Minerals Management Service, as defined in Memoranda of Understanding dated November 24, 1971, and November 8, 1993; Tank trucks that return to an otherwise regulated facility that contain only residual amounts of oil (EPA Policy letter)*
- *Completely buried tanks subject to all the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281;*
- *Underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission (NRC) and subject to any NRC provision regarding design and quality criteria, including but not limited to CFR part 50;*
- *Any facility or part thereof used exclusively for wastewater treatment (production, recovery or recycling of oil is not considered wastewater treatment); (This does not include other oil containers located at a wastewater treatment facility, such as generator tanks or transformers)*
- *Containers smaller than 55 U.S. gallons;*
- *Permanently closed containers (as defined in §112.2);*
- *Motive power containers (as defined in §112.2);*
- *Hot-mix asphalt or any hot-mix asphalt containers;*
- *Heating oil containers used solely at a single-family residence;*
- *Pesticide application equipment and related mix containers;*
- *Any milk and milk product container and associated piping and appurtenances; and*
- *Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.*

Does the facility have an SPCC Plan? ☑ Yes ☐ No

FACILITY RESPONSE PLAN (FRP) APPLICABILITY—40 CFR 112.20(f)

A non-transportation related onshore facility is required to prepare and implement an FRP as outlined in 40 CFR 112.20 if:

- ☐ The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 U.S. gallons, **OR**
- ☐ The facility has a total oil storage capacity of at least 1 million U.S. gallons, **AND** at least one of the following is true:
  - ☐ The facility does not have secondary containment sufficiently large to contain the capacity of the largest aboveground tank plus sufficient freeboard for precipitation.
  - ☐ The facility is located at a distance such that a discharge could cause injury to fish and wildlife and sensitive environments.
  - ☐ The facility is located such that a discharge would shut down a public drinking water intake.
  - ☐ The facility has had a reportable discharge greater than or equal to 10,000 U.S. gallons in the past 5 years.

Facility has FRP: ☐ Yes ☐ No ☑ NA	FRP Number:

Facility has a completed and signed copy of Appendix C, Attachment C-II, "Certification of the Applicability of the Substantial Harm Criteria." ☑ Yes ☐ No

Comments: The facility stores less than the FRP-regulated quantity and is therefore not subject to the FRP regulations. Running Fox Petroleum Inc. production records for this lease go back to 2008.

SPCC TIER II QUALIFIED FACILITY APPLICABILITY—40 CFR 112.3(g)(2)

The aggregate aboveground oil storage capacity is 10,000 U.S. gallons or less **AND** — ☐ Yes ☑ No

In the three years prior to the SPCC Plan self-certification date, or since becoming subject to the rule (if the facility has been in operation for less than three years), the facility has **NOT** had:

• A single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons, **OR**	☐ Yes ☐ No
• Two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve-month period[1]	☐ Yes ☐ No

IF ***YES*** TO ALL OF THE ABOVE, THEN THE FACILITY IS A TIER II QUALIFIED FACILITY[2]
SEE ATTACHMENT D FOR TIER II QUALIFIED FACILITY CHECKLIST

REQUIREMENTS FOR PREPARATION AND IMPLEMENTATION OF A SPCC PLAN—40 CFR 112.3

Date facility began operations: Running Fox Petroleum Inc. production records for this lease go back to 2008.

Date of initial SPCC Plan preparation: unknown | Current Plan version (date/number): February 2017

112.3(a)	For drilling, production or workover facilities, including mobile or portable facilities, that are offshore or have an offshore component; or facilities required to have and submit a FRP:	
	• In operation on or prior to November 10, 2010: Plan prepared and/or amended and fully implemented by **November 10, 2010**	☐ Yes ☐ No ☑ NA
	• Facilities beginning operation after November 10, 2010:	
	○ Plan prepared and fully implemented before drilling and workover facilities begin operations; or	☐ Yes ☐ No ☑ NA
	○ Plan prepared and fully implemented within six months after oil production facilities begin operations	☐ Yes ☐ No ☑ NA
	For all other drilling, production or workover facilities, including mobile or portable facilities:	
	• In operation on or prior to November 10, 2011: Plan prepared and/or amended and fully implemented by **November 10, 2011**	☑ Yes ☐ No ☐ NA
	• Facilities beginning operation after November 10, 2011:	
	○ Plan prepared and fully implemented before drilling and workover facilities begin operations; or	☐ Yes ☐ No ☑ NA
	○ Plan prepared and fully implemented within six months after oil production facilities begin operations	☐ Yes ☐ No ☑ NA
112.3(d)	Plan is certified by a registered Professional Engineer (PE) and includes statements that the PE attests:	☑ Yes ☐ No ☐ NA
	• PE is familiar with the requirements of 40 CFR part 112	☑ Yes ☐ No ☐ NA
	• PE or agent has visited and examined the facility	☑ Yes ☐ No ☐ NA
	• Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112	☑ Yes ☐ No ☐ NA
	• Procedures for required inspections and testing have been established	☑ Yes ☐ No ☐ NA
	• Plan is adequate for the facility	☑ Yes ☐ No ☐ NA
	• For produced water containers subject to 112.9(c)(6), any procedure to minimize the amount of free-phase oil is designed to reduce the accumulation of free-phase oil and the procedures and frequency for required inspections, maintenance and testing have been established and are described in the Plan, if applicable	☐ Yes ☑ No ☐ NA

PE Name: Amy Michelle Reed | License No.: 2005001036 | State: MO | Date of certification: 2/7/2017

112.3(e)(1)	Plan is available onsite if attended at least 4 hours per day. If facility is unattended, Plan is available at the nearest field office. *(Please note nearest field office contact information in comments section below.)*	☑ Yes ☐ No ☐ NA

Comments: Running Fox Petroleum Inc. production records for this lease go back to 2008. The SPCC plan is dated February 7, 2017. The PE Certification page does not contain statement regarding produced water containers. The SPCC plan is available at the Fort Scott field office.

AMENDMENT OF SPCC PLAN BY REGIONAL ADMINISTRATOR (RA)—40 CFR 112.4

[1] Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

[2] An owner/operator who self-certifies a Tier II SPCC Plan may not include any environmentally equivalent alternatives or secondary containment impracticability determinations unless reviewed and certified by a PE.

112.4(a),(c)	Has the facility discharged more than 1,000 U.S. gallons of oil in a single reportable discharge or more than 42 U.S. gallons in each of two reportable discharges in any 12-month period?[3]	☐ Yes ☐ No Spill occurred 7/6/16 – see comments below
If **YES**	• Was information submitted to the RA as required in §112.4(a)?[4]	☐ Yes ☐ No ☑ NA
	• Was information submitted to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located§112.4(c) • Date(s) and volume(s) of reportable discharges(s) under this section: • Were the discharges reported to the NRC[5]?	☐ Yes ☐ No ☑ NA ☐ Yes ☑ No
112.4(d),(e)	Have changes required by the RA been implemented in the Plan and/or facility?	☐ Yes ☐ No ☑ NA
Comments: A spill from this tank battery occurred on July 6, 2016. As a result of that incident an estimated 1,700 gallons of oil/produced water were released outside of containment. The volume that reached the nearby unnamed tributary is unknown.		

AMENDMENT OF SPCC PLAN BY THE OWNER OR OPERATOR—40 CFR 112.5

112.5(a)	Has there been a change at the facility that materially affects the potential for a discharge described in §112.1(b)?	☐ Yes ☑ No
If **YES**	• Was the Plan amended within six months of the change? • Were amendments implemented within six months of any Plan amendment?	☐ Yes ☑ No ☐ Yes ☑ No
112.5(b)	Review and evaluation of the Plan completed at least once every 5 years? Following Plan review, was Plan amended within six months to include more effective prevention and control technology that has been field-proven to significantly reduce the likelihood of a discharge described in §112.1(b)? Amendments implemented within six months of any Plan amendment? Five year Plan review and evaluation documented?	☐ Yes ☐ No ☑ NA ☐ Yes ☐ No ☑ NA ☐ Yes ☐ No ☑ NA ☐ Yes ☐ No ☑ NA
112.5(c)	Professional Engineer certification of any technical Plan amendments in accordance with all applicable requirements of §112.3(d) *[Except for self-certified Plans]*	☐ Yes ☐ No ☑ NA

Name:	License No.:	State:	Date of certification:
Comments: The SPCC plan has not been amended since it was recertified in February 2017.			

GENERAL SPCC REQUIREMENTS—40 CFR 112.7		**PLAN**	**FIELD**
Management approval at a level of authority to commit the necessary resources to fully implement the Plan[6]		☑ Yes ☐ No	
Plan follows sequence of the rule or is an equivalent Plan meeting all applicable rule requirements and includes a cross-reference of provisions		☑ Yes ☐ No ☐ NA	
If Plan calls for facilities, procedures, methods, or equipment not yet fully operational, details of their installation and start-up are discussed *(Note: Relevant for inspection evaluation and testing baselines.)*		☐ Yes ☐ No ☑ NA	
112.7(a)(2)	The Plan includes deviations from the requirements of §§112.7(g), (h)(2) and (3), and (i) and applicable subparts B and C of the rule, except the secondary containment requirements in §§112.7(c) and (h)(1), 112.9(c)(2), 112.9(d)(3), and 112.10(c)	☐ Yes ☑ No ☐ NA	
If **YES**	• The Plan states reasons for nonconformance	☐ Yes ☐ No ☑ NA	
	• Alternative measures described in detail and provide equivalent environmental protection *(Note: Inspector should document if the environmental equivalence is implemented in the field, in accordance with the Plan's description)*	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
Describe each deviation and reasons for nonconformance: There is an SPCC plan that covers multiple leases. The specifics regarding the individual lease operations is discussed in separate sections of the Plan.			

[3] A reportable discharge is a discharge as described in §112.1(b)(see 40 CFR part 110). The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination

[4] Triggering this threshold may disqualify the facility from meeting the Qualified Facility criteria if it occurred in the three years prior to self-certification

[5] Inspector Note-Confirm any spills identified above were reported to NRC

112.7(a)(3)	Plan describes physical layout of facility and includes a diagram[7] that identifies: • Location and contents of all regulated fixed oil storage containers • Storage areas where mobile or portable containers are located • Completely buried tanks otherwise exempt from the SPCC requirements (marked as "exempt") • Transfer stations • Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under §112.1(d)(11)	☑ Yes ☐ No	☑ Yes ☐ No
	Plan addresses each of the following:		
(i)	For each fixed container, type of oil and storage capacity (see Attachment A of this checklist). For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities	☑ Yes ☐ No	☑ Yes ☐ No
(ii)	Discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.)	☑ Yes ☐ No	☑ Yes ☐ No
(iii)	Discharge or drainage controls, such as secondary containment around containers, and other structures, equipment, and procedures for the control of a discharge	☑ Yes ☐ No	☑ Yes ☐ No
(iv)	Countermeasures for discharge discovery, response, and cleanup (both facility's and contractor's resources)	☑ Yes ☐ No	☑ Yes ☐ No
(v)	Methods of disposal of recovered materials in accordance with applicable legal requirements	☑ Yes ☐ No	
(vi)	Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors *with an agreement for response* , and all Federal, State, and local agencies who must be contacted in the case of a discharge as described in §112.1(b)	☑ Yes ☐ No	
112.7(a)(4)	***Does not apply if the facility has submitted an FRP under §112.20:*** ☑ Yes ☐ No ☐ NA Plan includes information and procedures that enable a person reporting an oil discharge as described in §112.1(b) to relate information on the: • Exact address or location and phone number of the facility; • Date and time of the discharge; • Type of material discharged; • Estimates of the total quantity discharged; • Estimates of the quantity discharged as described in §112.1(b); • Source of the discharge; • Description of all affected media; • Cause of the discharge; • Damages or injuries caused by the discharge; • Actions being used to stop, remove, and mitigate the effects of the discharge; • Whether an evacuation may be needed; and • Names of individuals and/or organizations who have also been contacted.		
112.7(a)(5)	***Does not apply if the facility has submitted a FRP under §112.20:*** Plan organized so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency	☑ Yes ☐ No ☐ NA	
112.7(b)	Plan includes a prediction of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment failure where experience indicates a reasonable potential for equipment failure	☑ Yes ☐ No ☐ NA	
Comments:	Reporting procedures are adequate.		
112.7(c)	Appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge as described in §112.1(b), **except as provided in §112.7(k) of this section for certain qualified operational equipment and §112.9(d)(3) for certain flowlines and intra-facility gathering lines at an oil production facility.** The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. The method, design, and capacity for secondary containment address the typical failure mode and the most likely quantity of oil that would be discharged. See Attachment A of this checklist. **For onshore facilities**, one of the following or its equivalent:		

[7] Note in comments any discrepancies between the facility diagram, the description of the physical layout of facility, and what is observed in the field.

		PLAN	FIELD
	• Dikes, berms, or retaining walls sufficiently impervious to contain oil, • Curbing or drip pans, • Sumps and collection systems, • Culverting, gutters or other drainage systems, • Weirs, booms or other barriers, • Spill diversion ponds, • Retention ponds, or • Sorbent materials.		
	Identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided as described above:		
	☑ Bulk storage containers	☑ Yes ☐ No ☐ NA	☐ Yes ☑ No ☐ NA
	☐ Mobile/portable containers	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	☑ Oil-filled operational equipment (as defined in 112.2)	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
	☐ Other oil-filled equipment (i.e., manufacturing equipment)	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	☑ Piping and related appurtenances	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
	☐ Mobile refuelers of non-transportation-related tank cars	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	☑ Transfer areas, equipment and activities	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
	☑ Identify any other equipment or activities that are not listed above: gathering lines	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
112.7(d)	Secondary containment for one (or more) of the following provisions is determined to be impracticable: ☑ General secondary containment §112.7(c) ☐ Bulk storage containers §§112.8(c)(2)/112.12(c)(2) ☐ Loading/unloading rack §112.7(h)(1) ☐ Mobile/portable containers§§112.8(c)(11)/112.12(c)(11)	☑ Yes ☐ No	
If ***YES***	• The impracticability of secondary containment is clearly demonstrated and described in the Plan	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
	• For bulk storage containers,[8] periodic integrity testing of containers and integrity and leak testing of the associated valves and piping is conducted	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	(Does not apply if the facility has submitted a FRP under §112.20): • Contingency Plan following the provisions of 40 CFR part 109 is provided (see Attachment C of this checklist) **AND**	☑ Yes ☐ No ☐ NA	
	• Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA

Comments: Bulk containers are within sized secondary containment. The secondary containment berm is not maintained at a consistent height or at a height that is in accordance with the suggested calculations provided in the SPCC plan. The SPCC plan states that the berm will be maintained at a height of 30 inches. The berm was measured on July 27, 2017, at a height of 14.5 inches on the south side of the berm. General secondary containment of oil field flowlines is cited as impracticable; therefore, an Oil Spill Contingency Plan has been developed as part of the plan

		PLAN	FIELD
112.7(e)	Inspections and tests conducted in accordance with written procedures	☑ Yes ☐ No	☑ Yes ☐ No
	Record of inspections or tests signed by supervisor or inspector	☑ Yes ☐ No	☑ Yes ☐ No
	Kept with Plan for at least 3 years (see Attachment B of this checklist)[9]	☑ Yes ☐ No	☐ Yes ☑ No
112.7(f)	Personnel, training, and oil discharge prevention procedures		

[8] These additional requirements apply only to bulk storage containers, when an impracticability determination has been made by the PE

[9] Records of inspections and tests kept under usual and customary business practices will suffice

(1)	Training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(2)	Person designated as accountable for discharge prevention at the facility and reports to facility management	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(3)	Discharge prevention briefings conducted at least once a year for oil handling personnel to assure adequate understanding of the Plan. Briefings highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
112.7(h)	Tank car and tank truck loading/unloading rack[10] is present at the facility *Loading/unloading rack* means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.	☐ Yes ☑ No	
If YES (1)	Does loading/unloading rack drainage flow to catchment basin or treatment facility designed to handle discharges or use a quick drainage system?	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	Containment system holds at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(2)	An interlocked warning light or physical barriers, warning signs, wheel chocks, or vehicle brake interlock system in the area adjacent to the **loading or unloading rack** to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(3)	Lower-most drains and all outlets on tank cars/trucks inspected prior to filling/departure, and, if necessary ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA

Comments: Monthly tank inspections are conducted but some of the monthly records were not provided for review. Monthly inspections from September and November 2016 and May and June 2017 were not provided. Facility does not have a truck loading/unloading rack.

		PLAN	FIELD
112.7(i)	Brittle fracture evaluation of field-constructed aboveground containers is conducted after tank repair, alteration, reconstruction, or change in service that might affect the risk of a discharge or after a discharge/failure due to brittle fracture or other catastrophe, and appropriate action taken as necessary (applies to only field-constructed aboveground containers in production service, drilling, and workover service)	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
112.7(j)	Discussion of conformance with applicable more stringent State rules, regulations, and guidelines and other effective discharge prevention and containment procedures listed in 40 CFR part 112	☑ Yes ☐ No ☐ NA	
112.7(k)	Qualified oil-filled operational equipment is present at the facility[11] ☑ Yes ☐ No *Oil-filled operational equipment* means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g. , those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.		
If **YES**	Check which apply: Secondary Containment provided in accordance with 112.7(c) ☐ Alternative measure described below (confirm eligibility) ☑		
112.7(k)	Qualified Oil-Filled Operational Equipment		

[10] Note that a tank car/truck loading/unloading rack must be present for §112.7(h) to apply

[11] This provision does not apply to oil-filled manufacturing equipment (flow-through process)

	• Has a single reportable discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons occurred within the three years prior to Plan certification date?	☐ Yes ☑ No ☐ NA	
	• Have two reportable discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons occurred within any 12-month period within the three years prior to Plan certification date?[12]	☐ Yes ☑ No ☐ NA	
	*If **YES** for either, secondary containment in accordance with §112.7(c) is required*		
	• Facility procedure for inspections or monitoring program to detect equipment failure and/or a discharge is established and documented	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
	Does not apply if the facility has submitted a FRP under §112.20:		
	• Contingency plan following 40 CFR part 109 (see Attachment C of this checklist) is provided in Plan **AND**	☑ Yes ☐ No ☐ NA	
	• Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful is provided in Plan	☑ Yes ☐ No ☐ NA	
Comments:	Facility has oil pumpjacks. An Oil Spill Contingency Plan has been developed for the facility.		

ONSHORE OIL PRODUCTION FACILITIES—40 CFR 112.9 ☐ NA	**PLAN**	**FIELD**
(Drilling and workover facilities are excluded from the requirements of §112.9) *Production facility* means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.		
112.9(b) Oil Production Facility Drainage		
(1) At tank batteries, separation and treating areas where there is a reasonable possibility of a discharge as described in §112.1(b), drains for dikes or equivalent measures are closed and sealed except when draining uncontaminated rainwater. Accumulated oil on the rainwater is removed and then returned to storage or disposed of in accordance with legally approved methods	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
Prior to drainage, diked area inspected and action taken as provided below:		
• 112.8(c)(3)(ii) - Retained rainwater is inspected to ensure that its presence will not cause a discharge as described in §112.1(b)	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
• 112.8(c)(3)(iii) - Bypass valve opened and resealed under responsible supervision	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
• 112.8(c)(3)(iv) - Adequate records of drainage are kept; for example, records required under permits issued in accordance with §122.41(j)(2) and (m)(3)	☑ Yes ☐ No ☐ NA	☐ Yes ☑ No ☐ NA
(2) Field drainage systems (e.g., drainage ditches or road ditches) and oil traps, sumps, or skimmers inspected at regularly scheduled intervals for oil, and accumulations of oil promptly removed	☑ Yes ☐ No ☐ NA	☐ Yes ☑ No ☐ NA
112.9(c) Oil Production Facility Bulk Storage Containers *Bulk storage container* means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.		
(1) Containers materials and construction are compatible with material stored and conditions of storage such as pressure and temperature	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA

[12] Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

(2)	Except as allowed for flow-through process vessels in §112.9(c)(5) and produced water containers in §112.9(c)(6), secondary containment provided for all tank battery, separation and treating facilities sized to hold the capacity of largest single container and sufficient freeboard for precipitation.	☑ Yes ☐ No ☐ NA	☐ Yes ☑ No ☐ NA
	Drainage from undiked area safely confined in a catchment basin or holding pond.	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(3)	Except as allowed for flow-through process vessels in §112.9(c)(5) and produced water containers in §112.9(c)(6), periodically and upon a regular schedule, visually inspect containers for deterioration and maintenance needs, including foundation and supports of each container on or above the surface of the ground	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(4)	New and old tank batteries engineered/updated in accordance with good engineering practices to prevent discharges including at least one of the following: • Adequate container capacity to prevent overfill if a pumper/gauger is delayed in making regularly scheduled rounds; • Overflow equalizing lines between containers so that a full container can overflow to an adjacent container; • Adequate vacuum protection to prevent container collapse; or • High level sensors to generate and transmit an alarm to the computer where the facility is subject to a computer production control system	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA

Comments: Bulk containers were all within sized secondary containment. No records were provided regarding dike drainage because the facility reportedly pumps drainage water back into produced water tanks for injection into wellfield. Monthly inspection records were incomplete. The secondary containment berm is not maintained at a consistent height or at a height that is in accordance with the suggested calculations provided in the SPCC plan. The SPCC plan states that the berm will be maintained at a height of 30 inches. The berm was measured on July 27, 2017, at a height of 14.5 inches on the south side of the berm. The field inspection identified a collection pit on the north side of the tank battery that contained free oil. Running Foxes personnel stated that pit was previously used for emergency storage purposes; however, the date the pit was last used was not known. The pit was not identified in the SPCC plan.

		PLAN	FIELD
(5)	**Flow-through Process Vessels.** Alternate requirements in lieu of sized secondary containment required in (c)(2) and requirements in (c)(3) above for facilities with flow-through process vessels:		
(i)	Flow-through process vessels and associated components (e.g. dump valves) are periodically and on a regular schedule visually inspected and/or tested for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b)	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(ii)	Corrective actions or repairs have been made to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(iii)	Oil removed or other actions initiated to promptly stabilize and remediate any accumulation of oil discharges associated with the produced water container	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(iv)	All flow-through process vessels comply with §§112.9(c)(2) and (c)(3) within six months of any flow-through process vessel discharge of more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b) or discharges of more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period.[13]	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(6)	**Produced Water Containers.** Alternate requirements in lieu of sized secondary containment required in (c)(2) and requirements in (c)(3) above for facilities with produced water containers:		
(i)	A procedure is implemented on a regular schedule for each produced water container that is designed to separate the free-phase oil that accumulates on the surface of the produced water. • A description is included in the Plan of the procedures, frequency, and amount of free-phase oil expected to be	☐ Yes ☐ No ☑ NA ☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA

[13] Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

	maintained inside the container; • PE certifies in accordance with §112.3(d)(1)(vi); • Records of such events are maintained in accordance with §112.7(e).	☐ Yes ☐ No ☑ NA ☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
	If this procedure is not implemented as described in the Plan or no records are maintained, then facility owner/operator must comply with §112.9(c)(2) and (c)(3).		
(ii)	Each produced water container and associated piping is visually inspected, on a regular basis, for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) in accordance with good engineering practice.	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(iii)	Corrective action or necessary repairs were made to any produced water container and associated piping as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(iv)	Oil removed or other actions initiated to promptly stabilize and remediate any accumulation of oil discharges associated with the produced water container.	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
(v)	All produced water containers comply with §§112.9(c)(2) and (c)(3) within six months of any produced water container discharge of more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b) or discharges of more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period.[13]	☐ Yes ☐ No ☑ NA	☐ Yes ☐ No ☑ NA
Comments: Flow-through process vessels and produced water containers associated with the lease are within sized secondary containment.			
		PLAN	**FIELD**
112.9(d) Facility transfer operations, pumping, and facility process			
(1)	All aboveground valves and piping associated with transfer operations are inspected periodically and upon a regular schedule to determine their general condition. Include the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(2)	Saltwater (oil field brine) disposal facilities inspected often to detect possible system upsets capable of causing a discharge, particularly following a sudden change in atmospheric temperature	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(3)	If flowlines and intra-facility gathering lines are not provided with secondary containment in accordance with §112.7(c) and the facility is not required to submit an FRP under §112.20, then the SPCC Plan includes:		
(i)	• An oil spill contingency plan following the provisions of 40 CFR part 109[14]	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(ii)	• A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that might be harmful	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(4)	A flowline/intra-facility gathering line maintenance program to prevent discharges is prepared and implemented and includes the following procedures:		
(i)	Flowlines and intra-facility gathering lines and associated valves and equipment are compatible with the type of production fluids, their potential corrosivity, volume, and pressure, and other conditions expected in the operational environment	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA

(ii)	Flowlines and intra-facility gathering lines and associated appurtenances are visually inspected and/or tested on a periodic and regular schedule for leaks, oil discharges, corrosion, or other conditions that could lead to a discharge as described in §112.1(b). If flowlines and intra-facility gathering lines are not provided with secondary containment in accordance with §112.7(c), the frequency and type of testing allows for the implementation of a contingency plan as described under 40 CFR 109 or an FRP submitted under §112.20	☑ Yes ☐ No ☐ NA ☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA ☑ Yes ☐ No ☐ NA
(iii)	Repairs or other corrective actions are made to any flowlines and intra-facility gathering lines and associated appurtenances as indicated by regularly scheduled visual inspections, tests, or evidence of a discharge	☑ Yes ☐ No ☐ NA	☑ Yes ☐ No ☐ NA
(iv)	Oil removed or other actions initiated to promptly stabilize and remediate any accumulations of oil discharges associated with the flowlines, intra-facility gathering lines, and associated appurtenances	☑ Yes ☐ No ☐ NA	☐ Yes ☑ No ☐ NA
ONSHORE OIL DRILLING AND WORKOVER FACILITIES—40 CFR 112.10			☑ NA
112.10(b)	Mobile drilling or workover equipment is positioned or located to prevent a discharge as described in §112.1(b)	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.10(c)	Catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.10(d)	Blowout prevention (BOP) assembly and well control system installed before drilling below any casing string or during workover operations BOP assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well	☐ Yes ☐ No ☐ NA ☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA ☐ Yes ☐ No ☐ NA

Comments: The SPCC plan itemizes inspection procedures for flowlines associated with the lease. Additionally, a Contingency Plan has been developed for the lease. Documentation of monthly inspections was found to be incomplete. The field inspection identified a collection pit on the north side of the tank battery that contained free oil. Running Foxes personnel stated that pit was previously used for emergency storage purposes; however, the last date the pit was used was not known. The pit was not identified in the SPCC plan.

ATTACHMENT A: SPCC FIELD INSPECTION AND PLAN REVIEW TABLE

Documentation of Field Observations for Containers and Associated Requirements

Container Type	Storage Capacity (gal)	Type of Oil	Type of Containment/ Drainage Control	Overfill Protection and Testing & Inspections
Fiberglass and Steel ASTs	8,820	Crude and Produced Water	Earthen berm containment area. (Note: The site inspection determined that the height of the berm at the low area was only 14.5 inches which is contrary to the 30 inch berm described in the SPCC Plan. Also the tank battery is located on a sloped surface further reducing the available storage capacity within containment.)	Flow through to oil storage or produced water tank; otherwise no overfill protection. Tanks inspected monthly.
	8,400	Crude		Redundant, interconnected tanks, otherwise no overfill protection. Tanks inspected monthly.
	8,400			
	8,400	Produced Water		Redundant, interconnected tanks, pumped to ejection fields otherwise no overfill protection. Tanks inspected monthly.
	8,400			
	42,420	gallons		

ATTACHMENT C: SPCC CONTINGENCY PLAN REVIEW CHECKLIST

☐ NA

40 CFR Part 109–Criteria for State, Local and Regional Oil Removal Contingency Plans

If SPCC Plan includes an impracticability determination for secondary containment in accordance with §112.7(d), the facility owner/operator is required to provide an oil spill contingency plan following 40 CFR part 109, unless he or she has submitted a FRP under §112.20. An oil spill contingency plan may also be developed, unless the facility owner/operator has submitted a FRP under §112.20 as one of the required alternatives to general secondary containment for qualified oil filled operational equipment in accordance with §112.7(k).

	109.5–Development and implementation criteria for State, local and regional oil removal contingency plans[15]	Yes	No
(a)	Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved in planning or directing oil removal operations.	☑	☐
(b)	Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including:	☑	☐
(1)	The identification of critical water use areas to facilitate the reporting of and response to oil discharges.	☑	☐
(2)	A current list of names, telephone numbers and addresses of the responsible persons (with alternates) and organizations to be notified when an oil discharge is discovered.	☑	☐
(3)	Provisions for access to a reliable communications system for timely notification of an oil discharge, and the capability of interconnection with the communications systems established under related oil removal contingency plans, particularly State and National plans (e.g., National Contingency Plan (NCP)).	☑	☐
(4)	An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.	☑	☐
(c)	Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:	☑	☐
(1)	The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.	☑	☐
(2)	An estimate of the equipment, materials and supplies that would be required to remove the maximum oil discharge to be anticipated.	☑	☐
(3)	Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.	☑	☐
(d)	Provisions for well-defined and specific actions to be taken after discovery and notification of an oil discharge including:	☑	☐
(1)	Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	☑	☐
(2)	Pre-designation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.	☑	☐
(3)	A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.	☑	☐
(4)	Provisions for varying degrees of response effort depending on the severity of the oil discharge.	☑	☐
(5)	Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.	☐	☑
(e)	Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	☐	☑

ATTACHMENT D: TIER II QUALIFIED FACILITY CHECKLIST ☑ NA

TIER II QUALIFIED FACILITY PLAN REQUIREMENTS —40 CFR 112.6(b)		
112.6(b)(1)	**Plan Certification:** Owner/operator certified in the Plan that:	☐ Yes ☐ No
(i)	He or she is familiar with the requirements of 40 CFR part 112	☐ Yes ☐ No ☐ NA
(ii)	He or she has visited and examined the facility[16]	☐ Yes ☐ No ☐ NA
(iii)	The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the requirements of this part	☐ Yes ☐ No ☐ NA
(iv)	Procedures for required inspections and testing have been established	☐ Yes ☐ No ☐ NA
(v)	He or she will fully implement the Plan	☐ Yes ☐ No ☐ NA
(vi)	The facility meets the qualification criteria set forth under §112.3(g)(2)	☐ Yes ☐ No ☐ NA
(vii)	The Plan does not deviate from any requirements as allowed by §§112.7(a)(2) and 112.7(d), except as described under §112.6(b)(3)(i) or (ii)	☐ Yes ☐ No ☐ NA
(viii)	The Plan and individual(s) responsible for implementing the Plan have the full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.	☐ Yes ☐ No ☐ NA
112.6(b)(2)	**Technical Amendments:** The owner/operator self-certified the Plan's technical amendments for a change in facility design, construction, operation, or maintenance that affected potential for a §112.1(b) discharge	☐ Yes ☐ No ☐ NA
If **YES**	• Certification of technical amendments is in accordance with the self-certification provisions of §112.6(b)(1).	☐ Yes ☐ No ☐ NA
(i)	A PE certified a portion of the Plan (i.e., Plan is informally referred to as a hybrid Plan)	☐ Yes ☐ No ☐ NA
If **YES**	• The PE also certified technical amendments that affect the PE certified portion of the Plan as required under §112.6(b)(4)(ii)	☐ Yes ☐ No ☐ NA
(ii)	The aggregate aboveground oil storage capacity increased to more than 10,000 U.S. gallons as a result of the change	☐ Yes ☐ No ☐ NA
If **YES**	*The facility no longer meets the Tier II qualifying criteria in §112.3(g)(2) because it exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity.*	
	The owner/operator prepared and implemented a Plan within 6 months following the change and had it certified by a PE under §112.3(d)	☐ Yes ☐ No ☐ NA
112.6(b)(3)	**Plan Deviations:** Does the Plan include environmentally equivalent alternative methods or impracticability determinations for secondary containment?	☐ Yes ☐ No ☐ NA
If **YES**	Identify the alternatives in the hybrid Plan:	
	• Environmental equivalent alternative method(s) allowed under §112.7(a)(2);	☐ Yes ☐ No ☐ NA
	• Impracticability determination under §112.7(d)	☐ Yes ☐ No ☐ NA
112.6(b)(4)	• For each environmentally equivalent measure, the Plan is accompanied by a written statement by the PE that describes: the reason for nonconformance, the alternative measure, and how it offers equivalent environmental protection in accordance with §112.7(a)(2);	☐ Yes ☐ No ☐ NA
	• For each secondary containment impracticability determination, the Plan explains the reason for the impracticability determination and provides the alternative measures to secondary containment required in §112.7(d)	☐ Yes ☐ No ☐ NA
	AND	
(i)	PE certifies in the Plan that:	
(A)	He/she is familiar with the requirements of 40 CFR Part 112	☐ Yes ☐ No ☐ NA
(B)	He/she or a representative agent has visited and examined the facility	☐ Yes ☐ No ☐ NA
(C)	The alternative method of environmental equivalence in accordance with §112.7(a)(2) or the determination of impracticability and alternative measures in accordance with §112.7(d) is consistent with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR Part 112.	☐ Yes ☐ No ☐ NA

Comments: The facility is not a qualified Tier II facility.

ATTACHMENT E: ADDITIONAL COMMENTS

Running Foxes Petroleum – Emmerson Lease is an oil production operation located in Vernon County, Missouri. The storage tank battery associated with the lease is located just north of the 100th Street and Soldier Road intersection about 3.4 miles northwest of Richards, Missouri. The lease is located approximately 50 feet east of the Missouri/Kansas border. The Emmerson Lease contains five bulk storage tanks (two crude oil, two produced water, and one gun barrel separator). The Emmerson Lease was selected for an SPCC inspection based on a spill that occurred on July 26, 2017, at the North Stoner Lease that is also operated by Running Foxes Petroleum (RFP). The Emmerson Lease has had other reported spills and several complaints made to the Missouri Department of Natural Resources (MDNR) and EPA by concerned citizens. The EPA previously completed an SPCC inspection at the Emmerson Lease on June 13, 2016, while following up on a spill associated with the lease that occurred on June 6, 2016.

The SPCC inspection was conducted on July 28, 2017. Mr. John Michels, Field Supervisor with RFP, met with the EPA at the lease during the inspection. Mr. Michels provided EPA with a copy of the most current SPCC plan, which was dated February 7, 2017.

The SPCC Plan is intended to cover all RFP leases, including the Emmerson Lease. Lease specific information is addressed in separate sections of the plan. A review of the SPCC plan sections pertaining to the Emmerson Lease determined that the description of the secondary containment dimensions and containment capacity is not accurate. The capacity of the containment area is described as 34,164 gallons based on a design berm height of 30 inches. The berms were measured at approximately 14.5 inches in height at the lowest point at the northeast corner of the containment.

The field inspection identified a collection pit on the north side of the tank battery that contained free oil. Running Foxes personnel stated that pit was previously used for emergency storage purposes; however, the date the pit was last used was not known. The pit was not identified in the SPCC plan.

There are no flow-through process vessels or produced water containers, associated with the lease, that are outside of sized secondary containment. An Oil Spill Contingency Plan has been developed, as the SPCC plan cites general secondary containment associated with oil field flowlines as impracticable.

Monthly inspection records were requested dating back to completion of the 2016 SPCC inspection. RFP provided the requested inspection records; however, they were found to be incomplete. Several months, including September and November 2016 and May and June 2017 were not provided. No records were provided regarding dike drainage because the facility reportedly pumps drainage water back into produced water tanks for injection into the wellfield. Training records were maintained and available.

ATTACHMENT B: SPCC INSPECTION AND TESTING CHECKLIST

Required Documentation of Tests and Inspections

Records of inspections and tests required by 40 CFR part 112 signed by the appropriate supervisor or inspector must be kept by all facilities with the SPCC Plan for a period of three years. Records of inspections and tests conducted under usual and customary business practices will suffice. Documentation of the following inspections and tests should be kept with the SPCC Plan.

	Inspection or Test	Documentation		Not Applicable
		Present	Not Present	
112.7–General SPCC Requirements				
(d)	Integrity testing for bulk storage containers with no secondary containment system and for which an impracticability determination has been made	☐	☐	☑
(d)	Integrity and leak testing of valves and piping associated with bulk storage containers with no secondary containment system and for which an impracticability determination has been made	☐	☐	☑
(h)(3)	Inspection of lowermost drain and all outlets of tank car or tank truck prior to filling and departure from loading/unloading rack	☐	☐	☑
(i)	Evaluation of field-constructed aboveground containers for potential for brittle fracture or other catastrophic failure when the container undergoes a repair, alteration, reconstruction or change in service or has discharged oil or failed due to brittle fracture failure or other catastrophe	☐	☐	☑
k(2)(i)	Inspection or monitoring of qualified oil-filled operational equipment when the equipment meets the qualification criteria in §112.7(k)(1) and facility owner/operator chooses to implement the alternative requirements in §112.7(k)(2) that include an inspection or monitoring program to detect oil-filled operational equipment failure and discharges	☑	☐	☐
112.9–Onshore Oil Production Facilities (excluding drilling and workover facilities)				☐ NA
(b)(1)	Rainwater released directly from diked containment areas inspected following §§112.8(c)(3)(ii), (iii) and (iv), including records of drainage kept	☐	☑	☐
(b)(2)	Field drainage systems, oil traps, sumps, and skimmers inspected regularly for oil, and accumulations of oil promptly removed	☐	☑	☐
(c)(3)	Containers, foundations and supports inspected visually for deterioration and maintenance needs	☑	☐	☐
(c)(5)(i)	In lieu of having sized secondary containment, flow-through process vessels and associated components visually inspected and/or tested periodically and on a regular schedule for conditions that could result in a discharge as described in §112.1(b)	☐	☐	☑
(c)(6)(ii)	In lieu of having sized secondary containment, produced water containers and associated piping are visually inspected and/or tested for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) in accordance with good engineering practice	☐	☐	☑
(d)(1)	All aboveground valves and piping associated with transfer operations are regularly inspected	☑	☐	☐
(d)(2)	Saltwater disposal facilities inspected often to detect possible system upsets capable of causing a discharge	☑	☐	☐
(d)(4)(ii)	For flowlines and intra-facility gathering lines without secondary containment, in accordance with §112.7(c), lines are visually inspected and/or tested periodically and on a regular schedule to allow implementing the part 109 contingency plan or the FRP submitted under §112.20	☑	☐	☐

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ATTACHMENT F: PHOTO DOCUMENTATION NOTES

Photo Number	SPCC Report Photolog Number[A]	Photo Date	Direction	Description
IMG_0497	10	7/26/2017	North	View of collection pit north of tank battery
IMG_0564	NA	7/27/2017	North	View of berm height measurement along south side of containment
IMG_0565	NA	7/27/2017	North	View of berm height measurement along south side of containment
IMG_0566	9	7/27/2017	West	View of berm height measurement at northeast corner of containment
IMG_0567	NA	7/27/2017	South	View of berm height measurement at northwest corner of containment
IMG_0568	NA	7/27/2017	South	View of berm height measurement at northwest corner of containment
IMG_0571	NA	7/27/2017	South	View of berm height measurement at southwest corner of containment
IMG_0591	8	7/28/2017	North	View of collection pit north of tank battery
IMG_0592	7	7/28/2017	Southwest	View of tank battery and pumphouse
IMG_0593	NA	7/28/2017	West	View of containment berm and pumphouse
IMG_0594	NA	7/28/2017	East	View of interior of pumphouse
IMG_0595	5	7/28/2017	East	View of north side of secondary containment
IMG_0596	NA	7/28/2017	East	View of north side of secondary containment
IMG_0597	NA	7/28/2017	Southwest	View of west side of secondary containment
IMG_0598	6	7/28/2017	West	View of containment berm and pumphouse
IMG_0599	NA	7/28/2017	Southwest	View of tank battery/secondary containment
IMG_0600	NA	7/28/2017	West	View of containment berm and pumphouse
IMG_0601	2	7/28/2017	West	View of south side of tank battery
IMG_0602	NA	7/28/2017	West	View of area south of tank battery that was impacted by oil spill from North Stoner Lease
IMG_0603	3	7/28/2017	West	View of south side of tank battery
IMG_0604	NA	7/28/2017	North	View of west side of secondary containment
IMG_0605	NA	7/28/2017	North	View of west side of secondary containment
IMG_0606	NA	7/28/2017	North	View of area north of tank battery that shows sign of historic spill
IMG_0623	NA	7/28/2017	West	View of south side of tank battery
IMG_0624	1	7/28/2017	North	View of tank battery lease sign
IMG_0625	NA	7/28/2017	East	View of wellfield east of tank battery
IMG_0626	NA	7/28/2017	South	View of wellhead associated with lease
IMG_0628	NA	7/28/2017	East	View of wellhead associated with lease
IMG_0629	4	7/28/2017	West	View of tank battery
IMG_0630	NA	7/28/2017	North	View of area north tank battery

Notes:

[A] Photolog number corresponds to photo number on the SPCC report photolog

NA Not applicable

All Photographs listed above were taken by OSCs Jeff Pritchard and Mindy Luetke.

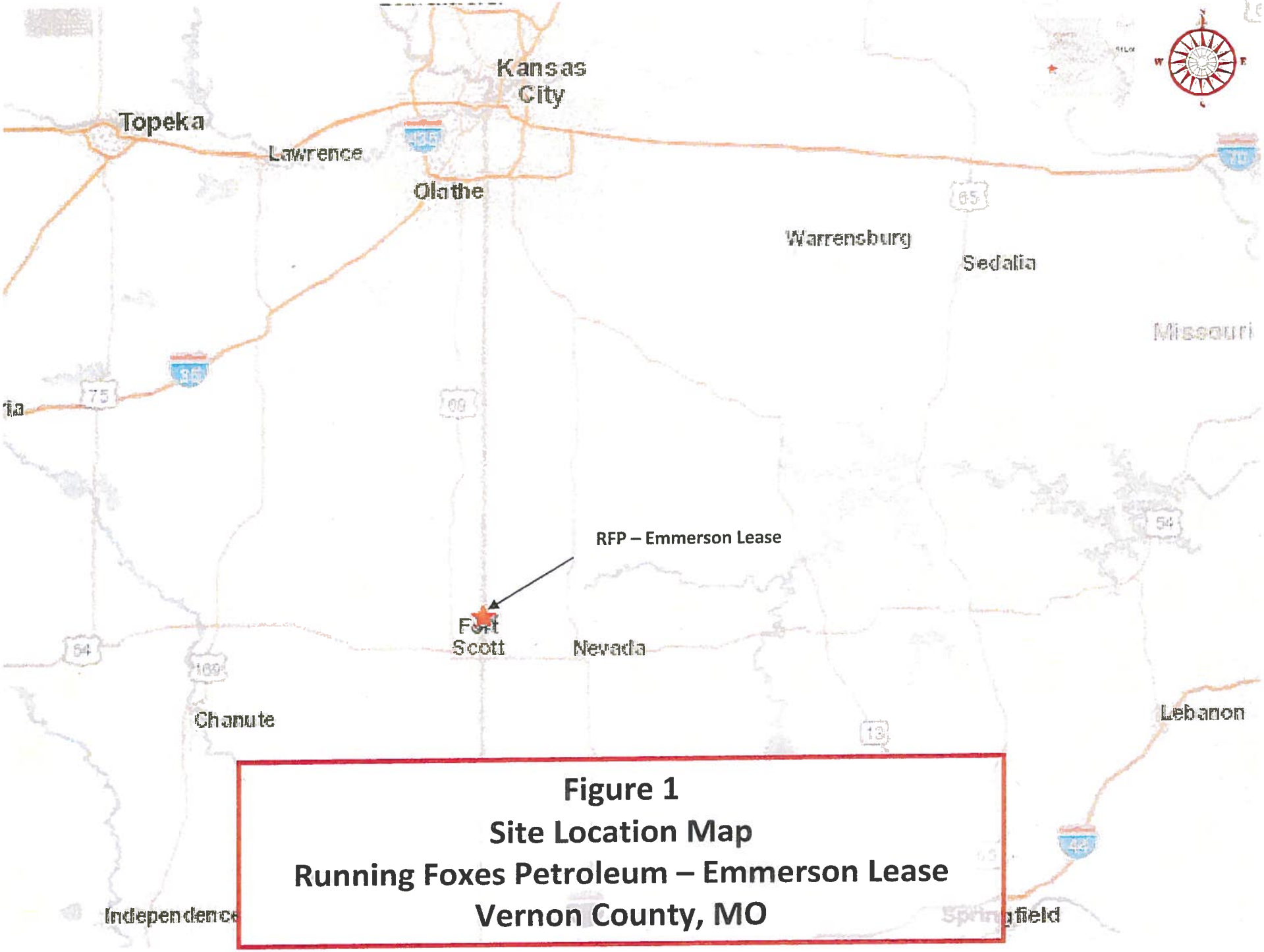

Figure 1
Site Location Map
Running Foxes Petroleum – Emmerson Lease
Vernon County, MO

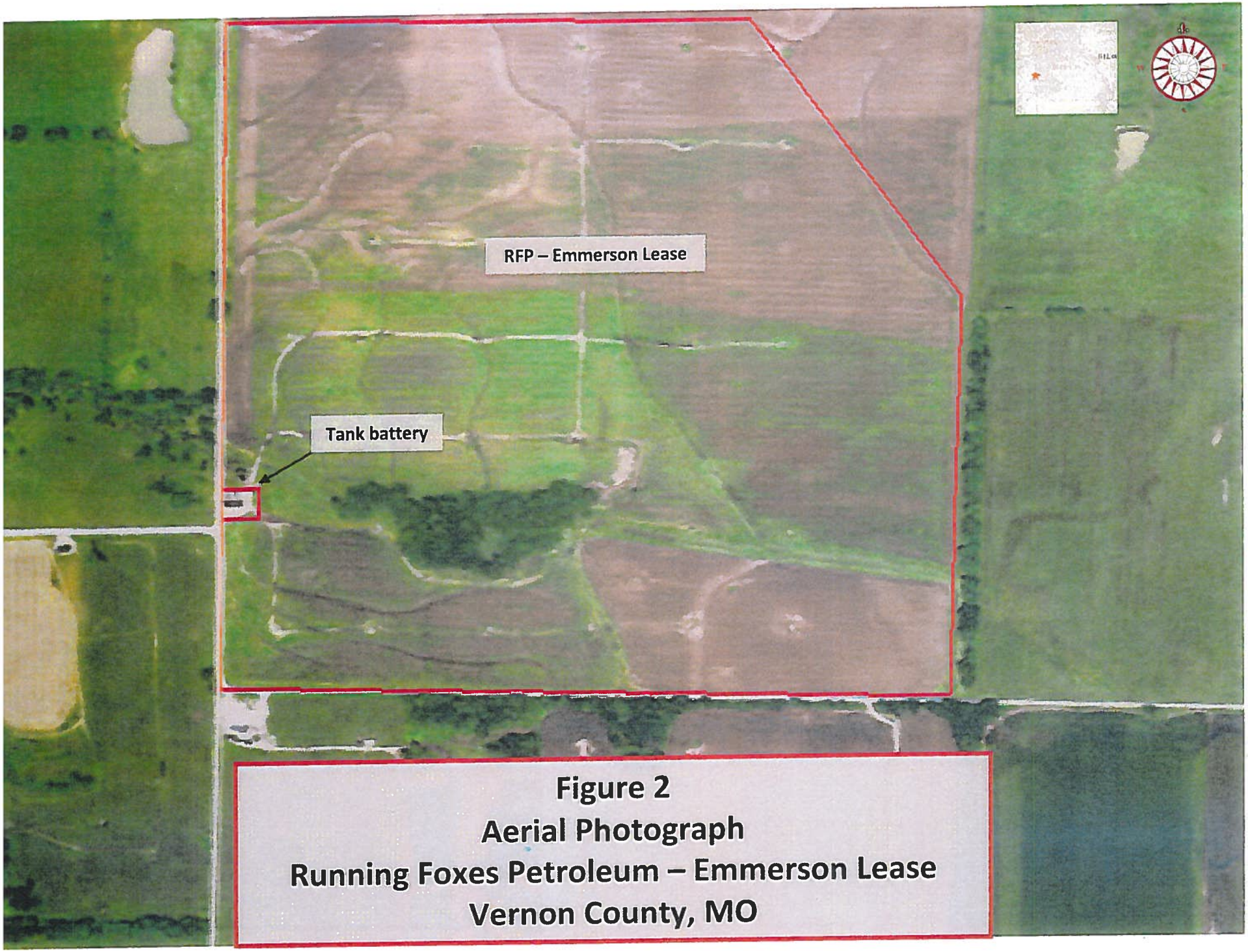

Figure 2
Aerial Photograph
Running Foxes Petroleum – Emmerson Lease
Vernon County, MO

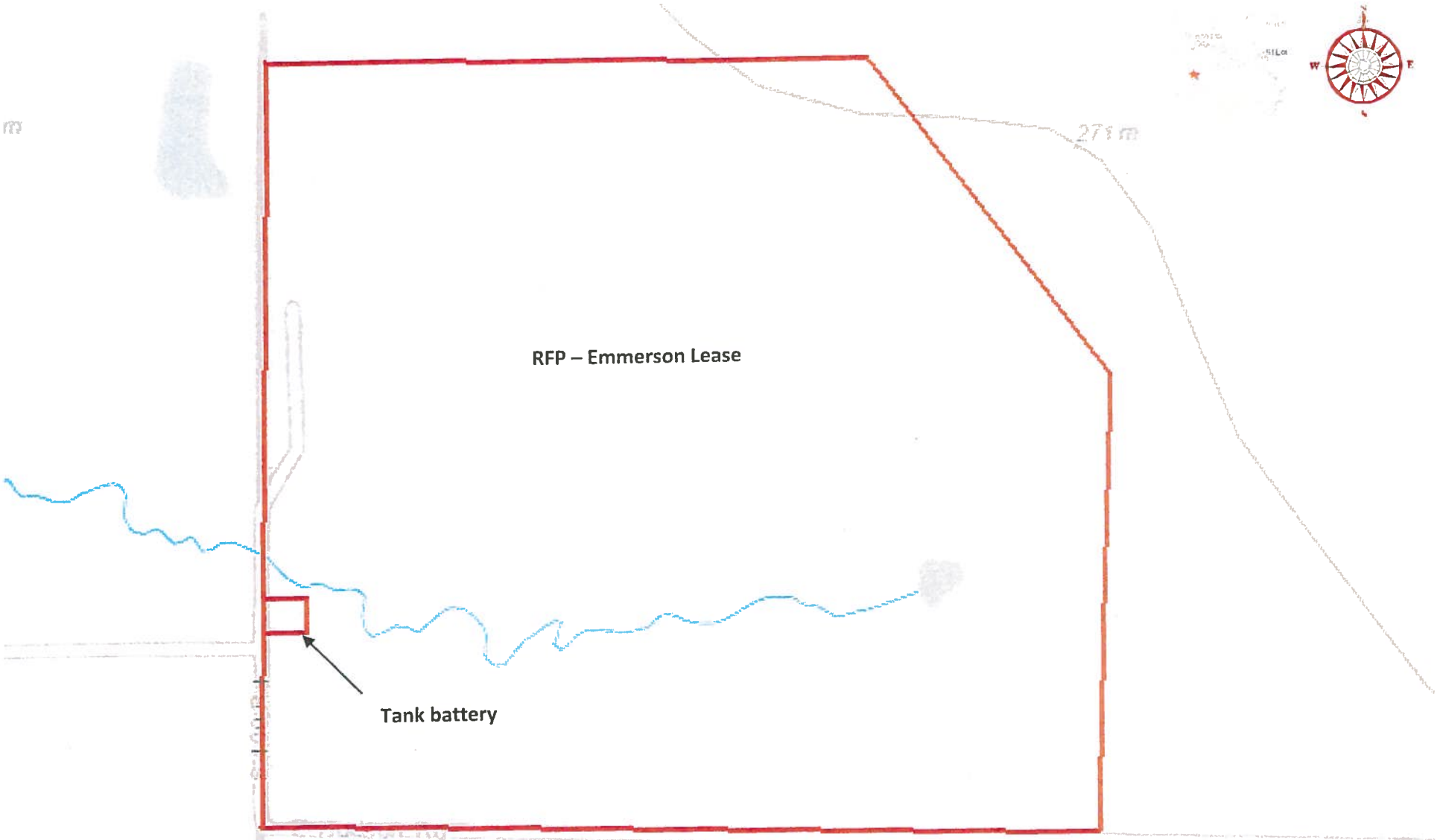

Figure 3
Topographic Map
Running Foxes Petroleum – Emmerson Lease
Vernon County, MO

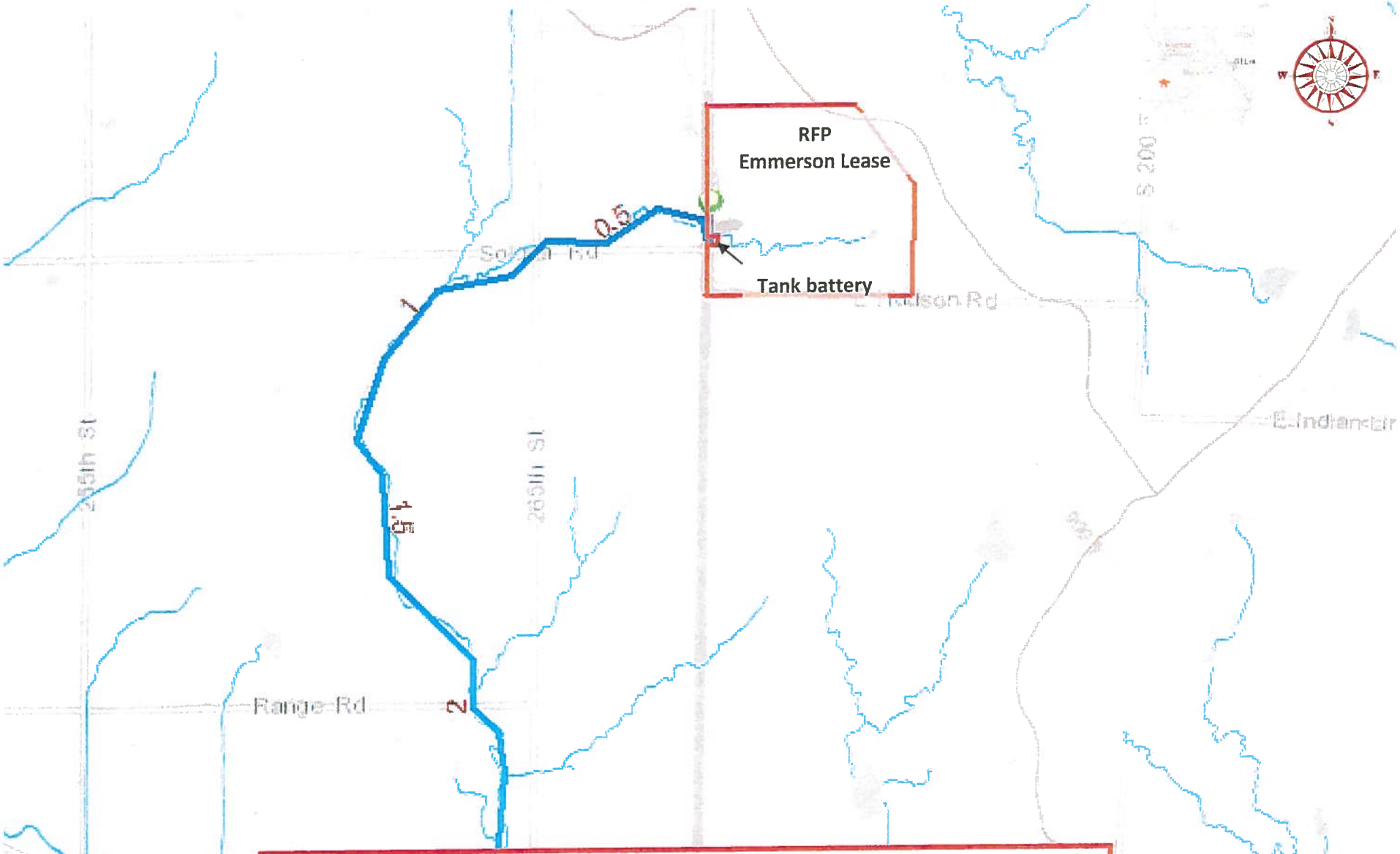

Figure 4
Discharge Pathway map
Running Foxes Petroleum – Emmerson Lease
Vernon County, MO

Running Foxes Petroleum – Emmerson Lease
Vernon County, Missouri

Photo No.: 1	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** North
Description: Photograph of the Running Foxes Petroleum – Emmerson Lease tank battery sign.		

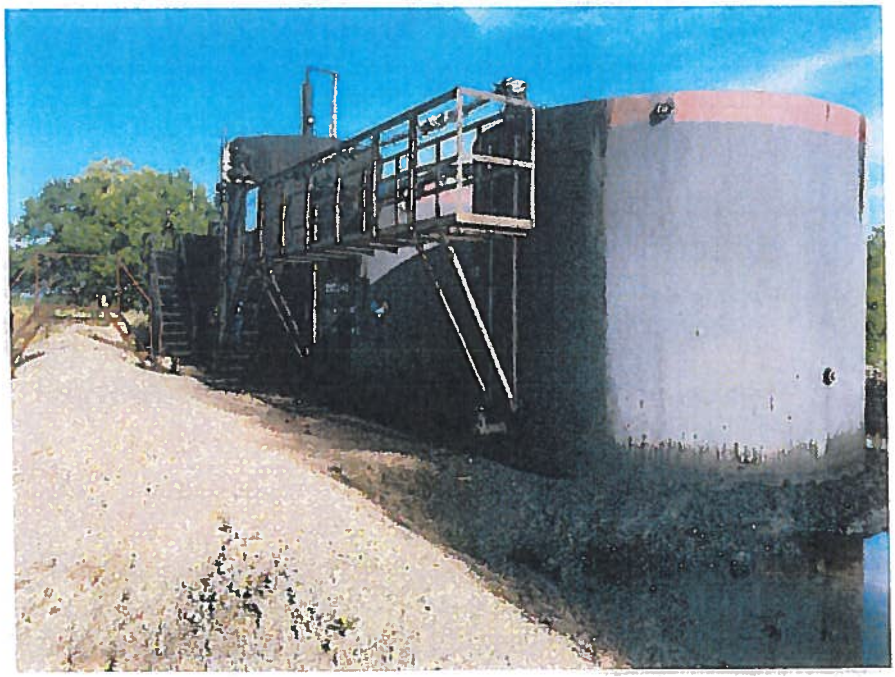

Photo No.: 2	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** West
Description: Photograph of the south side of the North Stoner Lease tank battery.		

Running Foxes Petroleum – Emmerson Lease
Vernon County, Missouri

Photo No.: 3	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** West
Description: Photograph of the south side of secondary containment.		

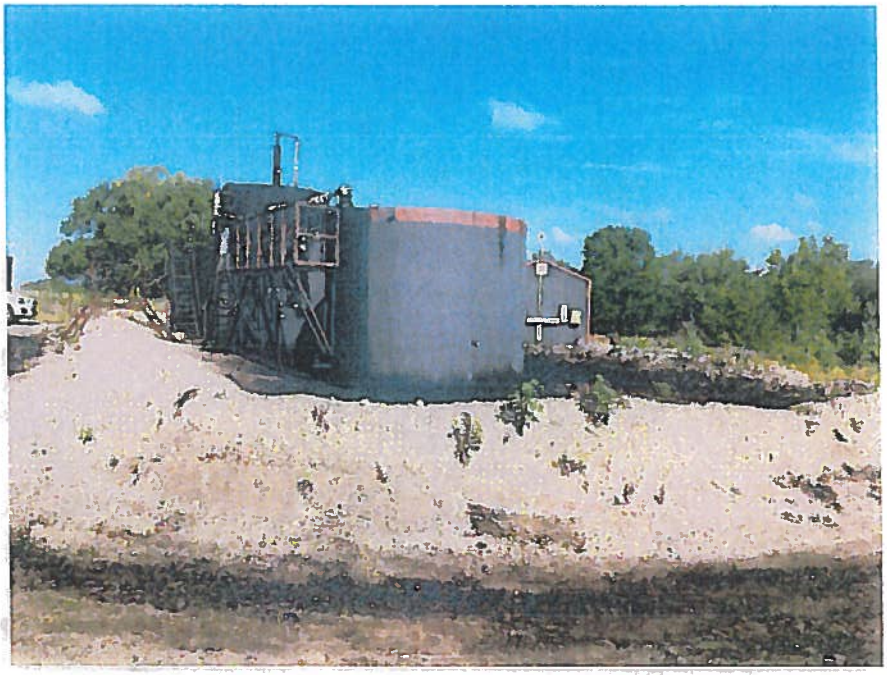

Photo No.: 4	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** West
Description: Photograph of the east side of the tank battery.		

Running Foxes Petroleum – Emmerson Lease
Vernon County, Missouri

Photo No.: 5	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** East
Description: Photograph of the north side of secondary containment.		

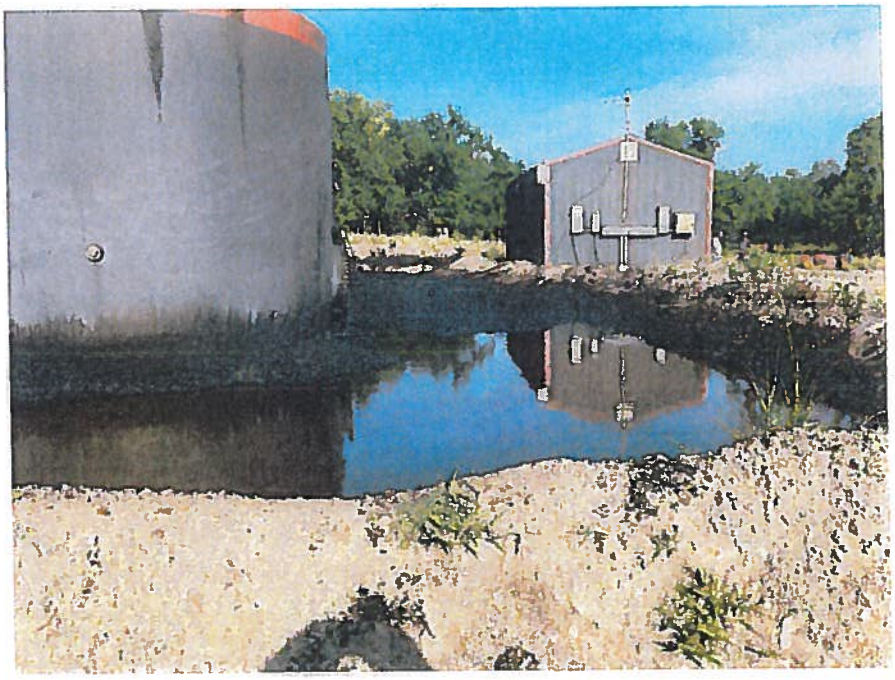

Photo No.: 6	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** West
Description: Photograph of the northeast corner of secondary containment.		

Running Foxes Petroleum – Emmerson Lease
Vernon County, Missouri

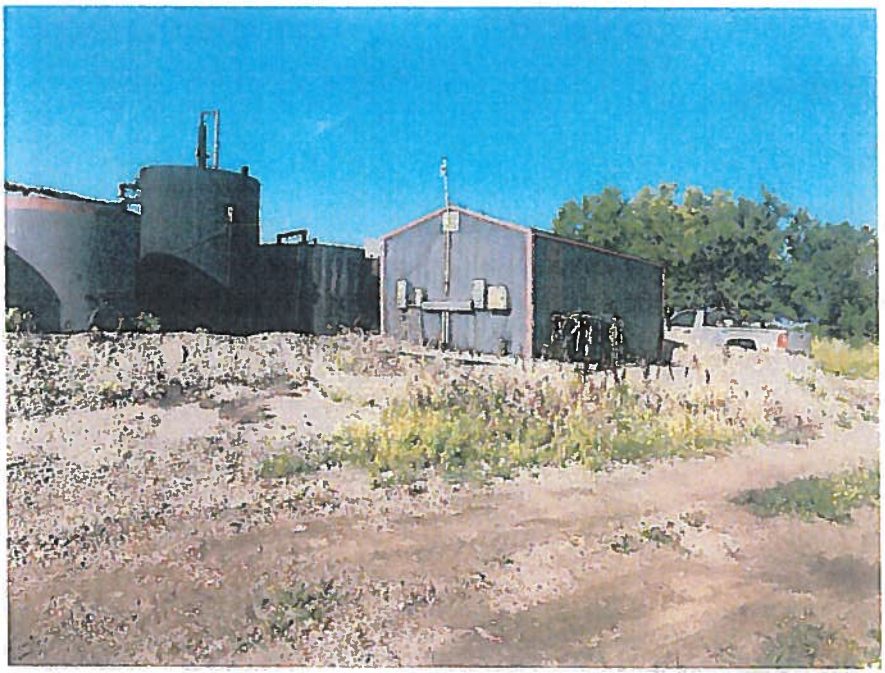

Photo No.: 7	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** Southwest
Description: Photograph of the north side of the tank battery including the pump house.		

Photo No.: 8	**Date:** July 28, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** North
Description: Photograph of a collection pit located north of the tank battery. The pit was not identified in the SPCC plan. The pit contained free oil during the inspection.		

Running Foxes Petroleum – Emmerson Lease
Vernon County, Missouri

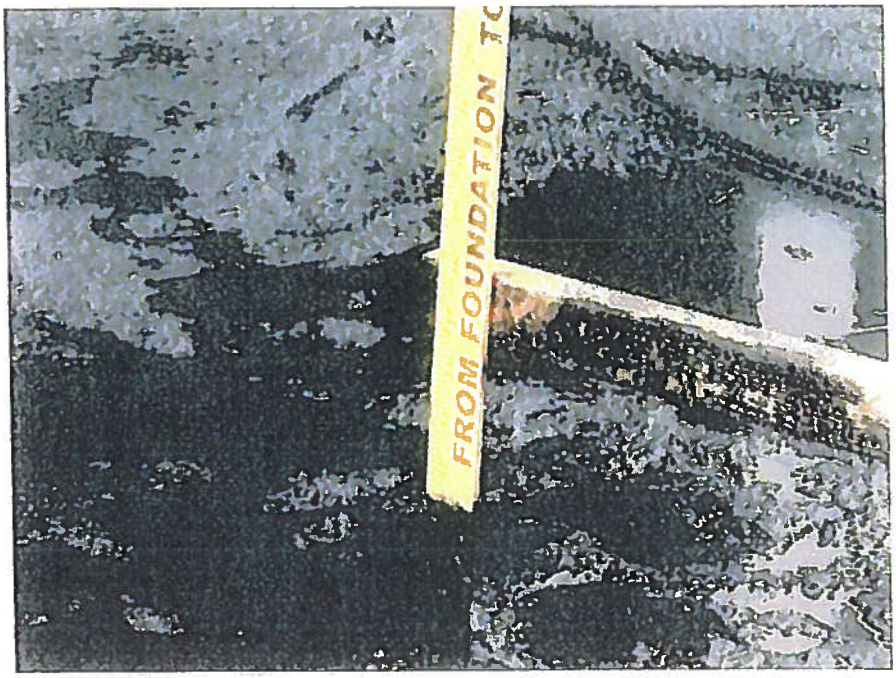

Photo No.: 9	**Date:** July 27, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** West
Description: Photograph of berm height measurement from the northeast corner of containment. The measured height was approximately 14.5 inches.		

Photo No.: 10	**Date:** July 26, 2017	**Time:** AM
Photographer: Jeff Pritchard		**Direction:** North
Description: Photograph of the collection pit located north of the tank battery. The pit was not identified in the SPCC plan. The pit contained free oil during the inspection.		